# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (310) 207-3800

INTELLECTUAL PROPERTY LAW 12400 WILSHIRE BOULEVARD, 7th FLOOR LOS ANGELES, CA 90025

FACSIMILE: (310) 820-5988

## FACSIMILE COVER SHEET

Deliver to: Williams, Catherine Serke, USP	<u>TO</u> Art Group:3763						
Facsimile No.: <u>703-872-9306</u>	Date: September 13, 2004						
From: William Thomas Babbitt, Reg. 1	William Thomas Babbitt, Reg. No. 39,591						
Our Docket No.: <u>3764P002</u>	Number of pages including this sheet.						
Application No.: <u>09/475,768</u>	Filing Date: 12/30/1999						
	Docket Due Date(s): 9/11/2004						
Enclosed are the following documents:							
Amendment: Response ( 2 pgs)	☐ Issue Fee Transmittal						
Appeal Brief (in triplicate) ( pgs)	☐ Notice of Appeal						
Application:	Petition for:						
( pgs) w/cover & abstract)	☐ Request for Continued Examination (RCE)						
☐ Assignment & Cover Sheet ( pgs)	Reply Brief ( pgs)						
☑ Certificate of <u>Facsimile</u>	Request & Certification Under 35 USC 122(b)(2)(B)(i)						
☐ Continued Prosecution Application (CPA)	☐ Request to Rescind Previous Nonpublication Request						
Declaration & POA ( pgs)	☐ Response to Notice of Missing Parts & Formalities Letter						
🔲 🗖 Drawings:sheets, figures	Response to Written Opinion ( pgs)						
Extension of Time:	☐ Terminal Disclaimer						
▼ Fee Transmittal (in duplicate)	☐ Transmittal of Publication Fee Due						
☐ ID\$ & PTO/\$B/08 ( pgs)	▼ Transmittal Letter						
☐ Other							
CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)  I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States  Patent and Trademark Office.							
Nely Calde	wn 09/13/2004						

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no

Date

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Nedy Calderon.

Nedy Calderon

TRANSMITTAL FORM			Application No.	09/475,768				
			Filing Date	December 30, 1999				
(to be used for all correspondence after initial filing)		First Named Inventor	Pinaki Ray					
		Art Unit	3763					
			Examiner Name	Williams, Catherine Serke				
Total Number of Pages in This Submission 5			Attorney Docket Number	3764P002				
ENCLOSURES (check all that apply)								
Fee Transmittal Form Drawing(s)			After Allowance Communication Group					
Fee Attack	ned;	Licensing-re	elated Papers	Appeal Communication to Board of Appeals and Interferences				
Amendment/Re	sponse	Petition		Appeal Communication to Group (Appeal Notice, Edef, Repty Erief)				
. —	After Final Petition Affidavits/declaration(s)			Proprietary Information				
Extension of Time	e Request	Power of At Change of 0	torney, Revocation Correspondence Address	Status Letter				
Express Abandon	nment Request	Terminal D	isclaimer	Other Enclosure(s) (please identify below):				
Information Disclosure Statement Request t			Refund					
PTO/SB/0		CD, Numbe	er of CD(s)					
Certified Copy of Document(s)	r Priority							
*****		Remarks						
Basic Filing Fee			_					
	to Missing er 37 CFR 3							
	SIGNATUR	OF APPLICAN	IT, ATTORNEY, OR AG	ENT				
Firm William Thomas Babbitt, Reg. No. 39,591								
Individual name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP								
Signature Miller Bathot								
Date 9//3/04								
CERTIFICATE OF MAILING/TRANSMISSION								
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.								
Typed or printed na								
£ignsture	nady	Caldeer	~ E	MID 9/13/04				

FEE TRANSMITTAL. for FY 2004  Effective 10/01/2004. Patant forms are stubject to annual rovision.			L	Complete if Known									
				Application Number 09			475,768						
			F					cember 30	, 1999				
			F				Pir	naki Ray					
Applicant claims small entity status. See 37 CFR 1.27.			6	Examiner Name				Williams, Catherine					
			—T	Art Unit				3763					
TOTAL	TOTAL AMOUNT OF PAYMENT (\$) 0.00			.00	Attorney !	Docke	t No.		3764P002				
METHOD OF PAYMENT (check all that apply)				2 4	DDITIO	MAI		E CALCULA	FION (continu	ued)			
☐ Check [	Credit	card .	Money Order	Other	None N	3. A	טוווטע	NAL	FEE	•			
Doposit Accor	Lint					Large	e Entity	Sma	ill Entit	<u>y</u>			
Deposit (**						Fee Code	Fee (\$)	Fa6 Code	F <del>≥v</del> (\$)		D		
Account Number			02-2666	,							eeDescripton		FeePald
<u> </u>						1051 1052	130 50	2051 2062	65 25	Surcharge - late file			
Account 12	lakelı	, Sake	oloff, Taylo	a de Zafan	W) I ee					COVER SINGE.	Surcharge - late provisional filing fee or cover sneet.		
Name D	iakcij	, JUK	Jioii, Taylo	1 oc Zamin	MI LLI	2053	130	2053	130	Non-English specific	ation		
The Commission	or is au	thorized t	o: ( check all tha	apply)		1812	2,520	1812	2,520	For thing a request f		ination	
Charge fee(e)	Indicated	below	X C	odit any overpay	/ments	1804	920 -	1804	920	<ul> <li>Requesting publicat Examiner action</li> </ul>	ion of StR prior to		
Charge any ac	ditional f	00(5) or ur	nderpayment of fe 0.	u barluper sa ae	nder 37	1805	1,840 *	1805	1,840	* Requesting publicat	ing of SID offer		<u> </u>
						۱۵۵۰	,,,,,,	tous	1,010	Examiner action	OI OI OIC BILLI		1 1
to the above i	dentified	deposit ac	except for the fill count			1251	110	2251	55	Extension for reply v	within first month		
	F	EE CA	LCULATIO	N		1252	420	2252	210	Extension for reply v	Athin second month	1	<u> </u>
1. BASIC	FILI	NG FE	E			1253	950	2253	475	Extension for reply v	vithin third month		
Large Entity	Small	Entity				1254	1,480	2254	740	Extension for reply v	ritnom Anual nicht		<u> </u>
Fee Fee Code (\$)	Fec Code	Fee [ (\$)	oe Description		FeePaid	1255	2,010	2255	1,005	Extensión for reply v	within fifth ताansa		
<u> </u>	l					1404	330	2401	165	Notice of Appeal	1		
1001 770	2001	385	Utility filing fee			1402	330	2402	165	Filing a onef in supp	Off of an apposi		
1002 340 1003 530	2002	170	Design fling fee	)		1403	290	2403	145	Request for oral hea			<u> </u>
1003 530 1004 770	2003	265 386	Plant filing fee Reissue filing fe	•		1451	1,510	2451	1,510	Pedicon to institute a	public use proceed	fina	<b> </b>
1005 160	2005	80	Provisional filing			1452	110	2462	55	Potition to ravive - u			l
,	1					1453	1,330	2453	685	Petition to revive - u	nintentional		
		SUBT	OTAL (1)	(\$)		3501	1,330	2501	865	Utility issue fee (or r	etssue)		<del></del>
2. EXTR	A CLA	JM FE	ES	<b>9 4</b>		1502	420	2502	240	Dosign issue fee	•	•	11
			Claims	Fee from below	FeePaid	1503	640	2503	320	Plant issue foo			
Yotal Claims	30	47	∍ 0 x	18.00 =	\$0.00	1460	130	2460	130	Potitions to the Com	missioner		
Independent Cleims	2	· 4- '	0 x	86.00 =	\$0.00	1807	50	1807	50	Prosessing fee undo	r 37 CFR 1.17(q)		
Multiple Dependent					<u> </u>	1808	180	1806	180	Submission of Infor	nation Disclosure S	iant	<u> </u>
Large Entity	Small I	Entity				8021	40	8021	40	Recording each pate	nt assignment per		
Fee Fee	Fee	Fee	Fee Description	•			İ			proporty (times num	ber of properties)		
Code (\$)	Code	(\$)				1809	770	1809	385	Filing a submission a (37 CFR § 1.129(a))	flor final rejection		
1202 18	2202		Claims in excess			5045	<u></u>	***					
1201 88	2201		Independent clair			1810	770	2810	385	For each additional in examined (37 CFR §	venuon to be 1.129(b))		
1203 290	2203	145	Multiple Depende			1801	770	2901	385	Request for Continue	d Examination (RC)	<b>E</b> )	
1204 86	2204	43	"Reissub indepen patent	up II Cibiliki UVBI	rui <b>je</b> ioi	1802	900	1802	900	Request for expedite	s examination	-	<u> </u>
1205 18	2205	9	**Reissue claims i	n excess of 20 a	and over					of a design application	η		1 1
1	,		original parent			Other fee	e (specify)						
		SUBT	OTAL (2)	(\$)	0.00								
^־סר חעוד	nber pro	inusly pai	d, if grouter, For R	eissues, <u>see</u> de	łow	*Reduced	by Basic Fi	ing Fee l	M8¥C		SUBTOTAL (3)	(\$)	
SHEMITTE	n ov							-				1-1- /2!	
SUBMITTED BY  Name (Print/Type) William Thomas Babbitt Registration No. 39.591 Telephone (310) 207-3800													
Name (Print∕Ty	/pe)	Willia	m Thomas	Babbitt	, ,		(Attomay/Agent)			39,591		(310),20	7-3800
Signature PM/Of 1 / Rall A									D-4-	0/-	7.		
Signature		-11/	und	4-1	ary a	<u> </u>	-				Date	<u> </u>	<u>پ۔۔۔۔</u>
Based on PTO(SEV17 (10-03) 55 month or gy Blakety, Solomon, Tevror & Zelfrum (1967) 02/10/2004.													

FEE TRANSMITTAL for FY 2004			Complete if Known							
			n Nun	nber	09/475,768					
			е		December 30, 1999					
Effective 10/01/2004. Patent lees are subject to annual revision.			ed Inv	rentor	Pinaki Ray					
Applicant claims small entity status. See 37 CFR 1.27.	ı	Examine	Name	₽	Williams, Catherine					
TOTAL AMOUNT OF PAYMENT (\$) 0	^^	Art Unit			3763					
TOTAL AMOUNT OF TATMENT	.00	Attomey	Docket	No.	3764P002					
METHOD OF PAYMENT (check all that apply)				FF	EE CALCULATION (continued)					
	3.	ADDITIO	ΝΔΙ							
Chock Credit cand Money Other Mone										
Deposit Account		ge Entity		ii Entit	ty _					
Deposit	Fee Cod		Fee Code	Fee (\$)	FeeDescription FeePaid					
Account Number 02-2666	1051	130	2051	65						
Ceposit	1052		2052	25	Surcharge - late provisional filing ten or					
Account Name Blakely, Sokoloff, Taylor & Zafman LLP	•				cover sheat,					
	2053 1812		2053 1812	130 2,520						
The Commissioner is authorized to: ( check oil that apply)	1804		1804	920						
Charge fee(a) indicated below Credit any overpayments	"	_			Examiner action					
Change any additional fee(s) or underpayment of fees as required under 37 GFR §§ 1.16, 1.17, 1.18 and 1.20.	1805	1,840	1805	1,840	Requesting publication of SIR after					
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account					Examiner action					
	1251		<b>725</b> 1	55						
FEE CALCULATION	1252		2252	210						
1. BASIC FILING FEE	1253		2253	475						
Large Entity Small Entity Fee Fee Fee Fee Description FeePart	1254		2254	740						
Code (\$) Code (\$)	1255		2255	1,005	<b></b>					
1001 770 2001 385 Utility filling fee	1404		2401	165						
1002 340 2002 170 Design fling fee	1402		2402	185						
1003 530 2003 265 Plant filling fee	1400		2403	145	·					
1004 770 2004 385 Reissue filing foe	1451		2451	1,510						
1005 160 2005 80 Provisional filing fee	1452		2452	55						
SUBTOTAL (1) (\$)	1453	_	2453	865						
	1501 1502		2501 2502	668						
2. EXTRA CLAIM FEES Extra Fee from Claims below FeePaid	1503		2503	240 320	<u> </u>					
Total Claims 30 47 = 0 x 18.00 = \$0.00	1460		2460	130						
Independent 2 4 0 x 86.00 * \$0.00	1807		1807							
Multiple Dependent	1806		1806	50 490						
Large Entity   Small Entity				180						
Fas Fes Fes Fes Fes Description	8021	40	8021	40	Recording each patent assignment per property (times number of properties)					
Code (5)	1800	770	1209	385	Filing a submission after final rejection					
1202 18 2202 9 Claims in excess of 20					(37 CFR § 1.129(a))					
1201 98 2201 43 Independent claims in excess of 3	1810	770	2610	385	For each additional Invention to be examined (37 CFR § 1,129(b))					
1203 290 2203 145 Multiple Dependent claim, if not paid	1801	780	200-	385	Request for Continued Examination (RCE)					
1204 88 2204 43 "Reissue Independent claims over original patent	1802		2801 1802	900						
1205 18 2205 9 "Reisaue claims in excess of 20 and over	1002	~~ J	1002	9444	Request for expedited examination of a design application					
criginal patent	Others	fee (specify)								
SUBTOTAL (2) (5) 0.00					<b>L</b>					
""or number previously paid, if greater, For Reissues, see below	*Reduc	ed by Basic Fi	ing fee l	Paid	SUBTOTAL (3)					
SUBMITTED BY	T 2	Registratio	n No		Complete (if applicable)					
Name (PmuType) William Thomas Babbitt		ktomey/Age		3	39,591   Telephone   (310) 207-3800					
Signatura PM/ Plan 11 2-01	<b>4</b> //	<del>/</del>			0.4 0/-/-					
Signature Millian / Salva	QV				Date 9//3/0/-					
Besed on PTO/S9/17 (10-03) as modified by Blakely. Solokoff, Teylor & Zerman (wir) 02/10/2004, REND TO: Commissioner for Palents. P.O. Box 1450, Alexandria, VA 22319-1450										

BSTZ No. 003764.P002 Guidant No. 15980

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Examiner: Williams, Catherine Serke

Pinaki Ray

Art Unit: 3763

Application No.: 09/475,768

Filed: December 30, 1999

For:

CONDUIT SYSTEM FOR ISOLATION OF

FLUIDS IN BIOLOGICAL TISSUES

RECEIVED CENTRAL FAX CENTER

SEP 1 3 2004

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

### RESPONSE TO INTERVIEW SUMMARY

In response to the Interview Summary mailed August 25, 2004, Applicant respectfully requests entry of the following remarks.

#### **REMARKS**

Applicant thanks the Patent Office for the interview held on August 11, 2004. During the interview, the pending claims were discussed in view of U.S. Patent No. 4,192,302 and U.S. Patent No. 4,540,402 (collectively "the cited art"). The undersigned believed the cited art taught open chest cavity procedures and devices to be used in such procedures. Agreement as to whether the claims were allowable over the cited art or as to possible claim amendment(s) was not reached.

Respectfully submitted,

Date: 9/13/04

William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800 I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nedv Calderon

Date